

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Alexander Detschelt on March 19, 2009.

The application has been amended as follows:

In claim 1, in line 9, after "attachment end" inserted --comprising the throughhole--.

In claim 1, in line 10, after "perpendicularly" deleted "from and past" and replaced with --outward from the front side of--.

In claim 1, in line 19, after "attachment end" inserted --such that the rear side of the first connector pivotably abuts the post--.

In claim 1, in line 25, after "face plate" inserted --of the second connector--.

In claim 1, in line 28, after attachment end" inserted --comprising the through hole of the second connector--.

In claim 1, in line 29, after "face plate" inserted --of the second connector--.

In claim 1, in line 30, after "perpendicularly" deleted "from and past" and replaced with --outward from the front side of--.

In claim 1, in line 31, after "attachment end" inserted --of the second connector--.

In claim 1, in line 34, after "attachment end" inserted --of the second connector--.

In claim 1, in line 35, after "second slot" inserted --of the second connector--.

In claim 1, in line 38, after attachment end" inserted --of the second connector such that the rear side of the second connector pivotably abuts the second post--.

In claim 1, in line 46, after "through the second slot" inserted --of the joining connector--.

In claim 1, in lines 46-47, after "and the second slot" inserted --of the joining connector--.

In claim 1, in line 50, after "through the second slot" inserted --of the joining connector--.

In claim 1, in lines 50-51, after "and the third slot" inserted --of the joining connector--.

2. The following is an examiner's statement of reasons for allowance:

As to claim 1, Nellis (US 195,723) in view of Robbins, Jr. (US Re. 32,707), Nye (US 3,552,613) and Sinclair (US 327,731) discloses the claimed fencing system with the exception of the fist slotted connector being attached to the wood post using a fist fastener inserted though the throughhole of the post attachment end such that the rear side of the first connector pivotably abuts the post, which permits the first slotted connector to pivot about the first fastener; and the second slotted connector being attached to the second wood post using a second fastener inserted though the throughhole of the post attachment end of the second connector such that the rear side

of the second connector pivotably abuts the second post, which permits the second slotted connector to pivot about the second fastener.

There is no teaching or suggestion, absent the applicant's own disclosure, for one having ordinary skill in the art at the time the invention was made to modify the fence system disclosed by Nellis in view of Robbins, Jr., Nye and Sinclair to have the above mentioned elemental features. Furthermore, such modifications would unexpected and unpredictable results.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL P. FERGUSON whose telephone number is (571)272-7081. The examiner can normally be reached on M-F (6:30am-3:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571)272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MPF
03/19/09

/Michael P. Ferguson/
Primary Examiner, Art Unit 3679